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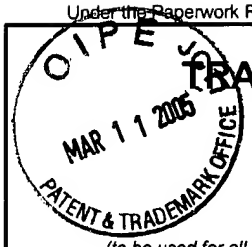

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	10

Application Number	09/759,660
Filing Date	January 12, 2001
First Named Inventor	Stana, Ronald J.
Art Unit	2174
Examiner Name	Steven Paul Sax
Attorney Docket Number	230600-000422

ENCLOSURES (check all that apply)

- ☒ Fee Transmittal Form
  - ☒ Fee Attached
- ☐ Amendment / Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Documents
- ☐ Response to Missing Parts/ Incomplete Application
  - ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
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- ☐ Status Letter
- ☒ Other Enclosure(s) *(please identify below):* **Reply Postcard**

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MOORE & VANALLEN		
Signature			
Printed Name	STEVEN B. PHILLIPS		
Date	March 8, 2005	Reg. No.	37,911

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AF 2174

Attorney's Docket No: 230600-422

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Stana et al.	)	
Serial No.: 09/759,660	)	Confirmation No.: 2699
Filed: January 12, 2001	)	
Group Art Unit: 2174	)	
Examiner: Steven Paul Sax	)	
	)	
Title: Method and Apparatus for Launching Computer Applications	)	
	)	

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APPLICANTS' BRIEF PURSUANT TO 37 C.F.R. § 1.192

Real Party in Interest

Acterna, LLC is the real party in interest.

Related Appeals and Interferences

There are no other appeals or interferences, known to the Appellants, or Appellants' legal representatives, which will directly affect or be directly affected by or have a bearing on the Board's decision in this pending appeal.

03/14/2005 HALI11 00000023 09759660
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Status of Claims

Claims 1-7 are pending. The November 19, 2004 final rejection of all pending claims is being appealed herein.

Status of Amendments

There were no amendments filed after the final office action of November 19, 2004. Applicants chose to proceed directly with this appeal. All previous papers filed by Applicants have been entered.

Summary of Invention

The launcher of the present invention presents information from the operating system registry of a computer to the user using hypertext markup language (HTML), so that this information can be displayed by a standard web browser. The information presented includes the applications installed on a system. In some embodiments, the launcher can also present information regarding known applications that are not installed, and highlight these uninstalled applications with a particular visual attribute.

The information in an HTML file created by the claimed launcher application is displayed so that a user can select any one of the applications that is installed as a selected application to launch. If the user selects an application, the launcher determines which application was selected from tags in a hyperlink, stops browser navigation, and starts the selected application. Thus, a user of the launcher can launch any installed application using a Web browser interface as opposed to the standard start menu or file system icons integrated into the operating system graphical user interface.

Issues

The sole issue on appeal is whether claims 1-7 are anticipated under 35 U.S.C. § 102(e) by U.S. Patent 6,026,437 to Muschett et al. ("Muschett"), making them unpatentable.

Grouping of Claims

Claim 1, 3, 5, and 6 are commensurate independent claims that stand rejected under the same art. These claims stand or fall together.

Claims 2, 4, and 7 are commensurate dependent claims, which depend from claims 1, 3, and 6, respectively. If claims 1, 3, and 6 stand, then claims 2, 4, and 7 stand. However, claims 2, 4, and 7 add recitations not included in claims 1, 3, and 6 that may allow claims 2, 4 and 7 to stand even if claims 1, 3, and 6 do not. Since claims 2, 4, and 7 are commensurate claims rejected under the same art, claims 2, 4, and 7 stand or fall together.

Arguments

The Examiner has finally rejected all of Applicants' claims under 35 U.S.C. § 102(e) as anticipated by U.S. Patent 6,026,437 to Muschett et al. Applicants respectfully disagree with the Examiner's characterization of their invention in view of Muschett. It is axiomatic that, in order for a claim to be anticipated, the cited reference must teach every element of the claim, either expressly or inherently. M.P.E.P. § 2131. All of Applicants' claims have recitations for which no corresponding teaching or disclosure can be found in Muschett.

Among others, the following recitations can be found in all of claims 1, 3, 5, and 6 directly, and in all of claims 2, 4, and 7 through dependence. Applicants' claims recite "accessing a registry to determine which applications are installed," "creating a hypertext markup language (HTML) file specifying the applications that are installed," and "displaying the HTML file in a browser so that a user can select *any one of the applications that is installed* as a selected application to launch. . .." (Emphasis added.) As is well-known by those of skill in the art, a registry is a portion of a computer operating system, which specifies information about how the computer is configured, including what applications are installed. These applications can be word processors, games, photo editors, etc., basically any type of application that the computer system is capable of running. There is no discussion or suggestion in Muschett of accessing a registry to determine which applications are installed. The word "registry" does not even occur in Muschett. There is no creation of an HTML file specifying the applications installed as determined by accessing the registry. And there is no provision to allow a user to select any one of the applications that is installed by selecting an application displayed as part of an HTML file. Instead, Muschett allows a user to access only HTML code related to an applet in a Java JAR file that has been set up to be accessed over the Internet. While an applet my be able to start some specified program or application, there is no teaching of such a file or applet accessing the registry to determine installed applications, and then allowing a user to start any of those applications. Thus, Applicants' claims are patentable over Muschett for at least the above reasons.

The Examiner has cited specific references to text of the Muschett patent and made conclusory statements regarding how the recitations in Applicants' claims are contained in the referenced text. However, the Examiner has not provided any evidence or reasoning to support

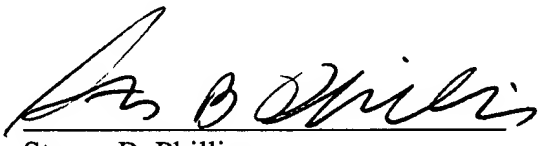
these positions. Even if the Examiner has drawn some analogy between the recitations in Applicants' claims and the cited portions of Muschett, Applicants submit that such an analogy is improper because it runs directly contrary to what Applicants claim. Applicants have examined the specific text references that the Examiner has provided, and literally cannot find the teaching that the Examiner submits is there. For example, the Examiner has cited col. 8, lines 5-17 and lines 30-45 of Muschett for the concept of accessing a registry, yet there is no discussion or suggestion of accessing a registry in col. 8, lines 5-17 and 30-45 of Muschett. Rather, this portion of Muschett discusses filling out form fields on a web page. The Examiner has cited col. 6, lines 15-25 or col. 7, lines 50-67 as teaching a displayed HTML file that provides for a user to be able to launch any of the installed applications on a computer system. The former discusses generic web browser technology and the latter discusses how a web server operates, including the use of CGI scripts, which do not provide or even contemplate the capability of launching any installed application. Applicants' invention as claimed does not even require the use of a server.

The recitations already discussed are contained in dependent claims 2, 4, and 7 through their dependence from other claims. Thus, claims 2, 4, and 7 are patentable for at least the reasons presented above. However, the Examiner has also cited Muschett, col. 8, lines 55-65 as teaching the recitation directly contained in these dependent claims, that the HTML file generated by Applicants' launcher application can display applications that are known but not installed, and highlight these applications with a specific visual attribute. There is no such discussion of these features at col. 8, lines 55-65 of Muschett, only a general discussion of how an HTML document can be scrolled and various links therein can be activated with a keyboard and mouse. Thus, claims 2, 4, and 7 are patentable over Muschett for at least this additional reason.

Conclusion

For the reasons state above, Applicants respectfully submit that the rejection standing in this application is improper. The Examiner has failed to establish a prima facie case of anticipation under 35 U.S.C. § 102(e). Therefore, Applicants respectfully submit that claims 1-7 are in condition for allowance. Accordingly, the reversal of the rejection of claims 1-7 is respectfully requested.

Respectfully submitted,

Date: 8 March 05 By: 

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Appendix

The following is a clean copy of the claims involved in this appeal.

1. A method of launching a selected application on a computer, the method comprising the steps of:

accessing a registry to determine which applications are installed and where each application is installed;

creating a hypertext markup language (HTML) file specifying the applications that are installed;

displaying the HTML file in a browser so that a user can select any one of the applications that is installed as a selected application to launch; and

if the user selects an application as the selected application, determining the location of the selected application from tags in the HTML file and launching the selected application without allowing the browser to navigate to the application.

2. The method of claim 1 wherein the HTML file lists applications that are known but not installed and the file is displayed in the displaying step so as to show applications that are known but not installed with a specific visual attribute.

3. A computer program product for launching a selected application on a computer, the computer program product including a computer program comprising:

instructions for accessing a registry to determine which applications are installed and where each application is installed;

instructions for creating a hypertext markup language (HTML) file specifying the applications that are installed;

instructions for displaying the HTML file in a browser so that a user can select any one of the applications that is installed as a selected application to launch; and

instructions for determining if an when a user as selected an application as the selected application, and determining the location of the selected application from tags in the HTML file

and launching the selected application without allowing the browser to navigate to the selected application.

4. The computer program product of claim 3 wherein the HTML file lists applications that are known but not installed and the file is displayed by the instructions for displaying so as to show applications that are known but not installed with a specific visual attribute.

5. Apparatus for launching a selected application on a computer, the apparatus comprising:

means for accessing a registry to determine which applications are installed and where each application is installed;

means for creating a hypertext markup language (HTML) file specifying the applications that are installed;

means for displaying the HTML file in a browser so that a user can select any one of the applications that is installed as a selected application to launch; and

means for determining if an when a user as selected an application as the selected application, and determining the location of the selected application from tags in the HTML file and launching the selected application without allowing the browser to navigate to the application.

6. A programmed computer system, the programmed computer system operable to launch a selected application on a computer by performing the steps of:

accessing a registry to determine which applications are installed and where each application is installed;

creating a hypertext markup language (HTML) file specifying the applications that are installed;

displaying the HTML file in a browser so that a user can select any one of the applications that is installed as a selected application to launch; and

if the user selects an application as the selected application, determining the location of the selected application from tags in the HTML file and launching the selected application without allowing the browser to navigate to the application.

7. The computer system of claim 6 wherein the HTML file lists applications that are known but not installed and the file is displayed in the displaying step so as to show applications that are known but not installed with a specific visual attribute.